

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

AUG 29 2003

FILED

IN THE MATTER OF THE DENIAL OF)
APPLICATION FOR LICENSE FOR)
JAMIE SCHMIEDING)
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FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDED ORDER
AND ORDER

CAUSE NO. A-1513

This matter came on for hearing on the 26th day of August, 2003, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The matter arises out of a denial of an application for a resident insurance producer license. The Department of Insurance ("Department") was represented by its attorney, Keri Schechinger. Jamie Schmieding ("Applicant") was present and was not represented by counsel. The proceedings were tape recorded by Sue Kuzelka, a licensed Notary Public. Applicant and the Department presented evidence and testimony at the hearing and the matter was taken under advisement. The hearing officer hereby makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
2. On or about August 4, 2003, Applicant applied for a resident insurance producer license as evidenced by Exhibit 2. Applicant's address as listed on the application

is 4700 Baldwin Street, #7, Lincoln, Nebraska 68504. Applicant did not pass her pre-licensing testing.

3. On or about August 6, 2003 Beverly Creager, Licensing Administrator for the Nebraska Department of Insurance, notified Applicant that her application for an insurance producer's license was denied based upon her conviction of a felony or Class I, II or III misdemeanor, Neb. Rev. Stat. §44-4059(1)(f), as evidenced by Exhibit 2.

4. On or about August 8, 2003, Applicant requested a hearing to appeal the Department's denial for an insurance producer's license as evidenced by Exhibit 3.

5. Applicant testified that she is currently employed by her parents' concrete business and, if licensed, would sell pre-paid legal insurance on a part-time basis while continuing to work her current job.

6. On or about October 9, 1996, Applicant was convicted of Second Degree Forgery, a Class IV felony, when she received stolen checks and forged the name of the account holder. Applicant was 18 years old at the time of the conviction. Applicant was sentenced to 3 years probation and 45 days in the county jail, as evidenced by Exhibit 2.

7. On or about July 9, 1999, Applicant was released from probation. Applicant testified that in the years subsequent to the conviction, she has re-established contact with her family, maintained employment, and attended college.

8. Robert T. Widhelm testified on behalf of Applicant. Mr. Widhelm is an agent for Pre-Paid Legal Services, Inc., and testified that Applicant would be trained by and work directly with him after completing training classes offered by Pre-Paid Legal Services. Applicant would contact Mr. Widhelm's existing client base as well as contact potential new clients and give presentations at worksites.

9. Applicant provided letters in support of licensure from Rev. Burt Garwood, Pastor of Holy Savior Lutheran Church, Robert T. Widhelm, and Ken Ward, Executive Vice President of Cornhusker Bank. (Exs 4, 5, 6).

10. The granting of a license by the Department is based upon the truth a veracity of the facts disclosed in the application, the testimony given and the evidence introduced into the record at the hearing.

CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control and discretion over the licensing of insurance producers to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.

2. The Department has personal jurisdiction over Applicant.

3. The conviction constitutes sufficient basis for denying a license to Applicant pursuant to Neb. Rev. Stat. §44-4059(1)(f).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended to the Director of Insurance that the Director approve Applicant's request for licensing as an insurance producer with such license limited to pre-paid legal insurance, provided Applicant satisfactorily completes pre-licensing requirements. If, in the future, Applicant seeks to add additional lines of insurance to her license, Applicant must appear before the Director at hearing. It is further recommended that the Director of Insurance grant consent to Applicant to engage in the business of insurance as contemplated by the *Violent Crime Control and Law Enforcement Act of 1994*, 18 U.S.C. §1033(e)(2).

Dated this 28th day of August, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Christine M. Neighbors
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order, providing for the approval of Applicant's request for an insurance agent's license limited to pre-paid legal insurance, and the granting of consent to Applicant to engage in the business of insurance as contemplated by 18 U.S.C. §1033(e)(2), is adopted as the official and final Order of the Department In The Matter of the Denial of Application For License For Jamie Schmieding, Cause No. A-1513.

Dated this 29th day of August, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant by mailing a copy to 4700 Baldwin, #7, Lincoln, NE 68504, by certified mail, return receipt requested, on this 2 day of ~~August~~, 2003.

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